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LIBERI ET AL,) CASE NO.: 11-CV-00485
)
PLAINTIFF,) MOTION-REQUEST TO TERMINATE PHILIP J. BERG
) AS AN ATTORNEY ON THE CASE
VS.) HON. ANDREW GUILFORD PRESIDING
) DATE 05.09.2011
TAITZ AT AL,) TIME 10:00
) COURTROOM 10 D
DEFENDANT)

Notice of motion to terminate Philip J. Berg as an attorney of record

To all parties and attorneys of record. On 05.09.2011, 10 am, courtroom 10D Ronald Reagan federal Building, 411 4th street, Santa Ana, CA defendants "Defend Our Freedoms Foundation" and Orly Taitz will move this court to terminate Philip J. Berg as an attorney of record in this case. This motion will be based on the memorandum of points and authorities attached herein, exhibits attached to this motion and oral argument on 05.09.2011.

MEMORANDUM OF POINTS AND AUTHORITIES

In order for one to be listed as an attorney of record for a party, one needs to be licensed as an attorney in the jurisdiction, where the case is heard or obtain a special permission to appear pro hac vice in collaboration with a local counsel. Local rule 83-2.3.1 provides for admission of attorneys pro hac vice:

Permission to appear Pro Hac Vice. Any person who is not otherwise eligible for admission to practice before this court, but who is a member in good standing of, and eligible to practice before, the bar of any United States Court, or of the highest court of any State, Territory or insular Possession of the United States, who is of good moral character, and who has been retained to appear before this Court, may, upon written application and proof of payment of the fee as required by the Court, and in the discretion of the Court be permitted to appear and participate pro hac vice in a particular case. The application shall be accompanied by a certificate from the state

1 bar for each of the states in which the applicant is a member of the particular bar,
2 which has been issued within thirty (30) days prior to the filing of the application
3 and states that the applicant is a member in good standing of the bar of that court.

4 Philip J. Berg (hereinafter Berg) is listed as an attorney of record for all the
5 plaintiffs in this case, however Berg is not licensed as an attorney in the state of
6 California. Mr. Berg, also, did not obtain pro hac vice to appear in this case as an
7 out of state co-counsel. On March 2, 2011, only a month ago, this court denied Berg's
8 application to appear pro hac vice in this jurisdiction.(exhibit 1). Based on the
9 above, there is no legal ground to allow Berg to appear as an attorney on this case.
10 Attached is affidavit by attorney Orly Taitz, attesting to the above mentioned facts.

11 Wherefore:

12 Defendants respectfully move this court to terminate Philip J Berg as an attorney on
13 this case.

14
15 Dated this 04.04.2011

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17 Dr. Orly Taitz, ESQ
18 Attorney for
19 Defend Our Freedoms
Foundation and
Orly Taitz

20
21
22 **AFFIDAVIT OF ORLY TAITZ**

23 I, Orly Taitz, am over 18 years old, I do not suffer of any mental impairment, I have
24 personal knowledge of the above facts and declare under the penalty of perjury:

25 1. I checked the web site of the California state bar, Philip J. Berg is not a
26 licensed attorney in the state of California according to bar.

27 2. I checked the docket of this case, Mr. Berg did not obtain pro hac vice to appear
28 as an attorney in this case.

1 3. I attached as an exhibit a true and correct copy of denial of pro hac vice for
2 Philip Berg issued by this court on 03.02.2011 in case 10-cv-01573.

3 Affiant further says naught.

4 04.04.2011

5 /s/ Dr. Orly Taitz, ESQ

6 **CERTIFICATE OF SERVICE**

7 I declare under penalty of perjury that a true and correct copy of the above pleadings
8 was served on 04.05.2011 via ECF on Philip J. Berg, attorney for all the plaintiffs.
9 Other defendants on the case were served electronically on 04.05.2011 at following e-
10 mail addresses:

11 Neil Sankey and Sankey firm at

12 nsankey@sankeyfirm.com

13 /s/ Dr. Orly Taitz, ESq